

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREDERICK BURTON,	:	
Petitioner,	:	
	:	CIVIL ACTION
	:	
v.	:	
	:	
	:	No. 09-2435
MARTIN HORN, et al.,	:	
Respondents.	:	
	:	

O R D E R

AND NOW, this 13<sup>th</sup> day of October, 2009, upon consideration of petitioner Frederick Burton's Second Amended Motion for Reconsideration (paper no. 12) of the court's Order of August 6, 2009 (paper no. 7), for the reasons set forth in the foregoing Memorandum, it is ORDERED that

1. Petitioner's Second Amended Motion for Reconsideration is GRANTED IN PART and DENIED IN PART.
2. The petition for a writ of habeas corpus (paper no. 5) is transferred to the United States Court of Appeals for the Third Circuit under 28 U.S.C. § 1631.
3. Petitioner's Second Amended Motion for Reconsideration is otherwise denied.
4. The Clerk of Court shall administratively close this case.

/s/ Norma L. Shapiro

J.